

## **REMARKS**

In the non-final Office Action dated December 28, 2007, it is noted that claims 1 – 23 are pending; that the drawings filed on June 9, 2005 are objected to; and that claims 1 – 23 stand rejected under 35 U.S.C. §102. In the present amendment, Figs. 1-3 are replaced and claims 1, 9 and 17 are amended. No new matter has been added.

### **Objection to the Drawings**

In the Office Action, it is noted that Figure 1 should be designated by a legend such as “Prior Art”.

Responding to the objection to the drawings, Applicants have added the legend “Prior Art” to Figure 1 in the attached Replacement Drawing Sheets. Applicants have further modified all of the Figures in accordance with US practice, but without adding any new matter. Withdrawal of the objection to the drawings is respectfully requested.

### **Rejections under 35 U.S.C. §102**

Claims 1 – 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,806,898 by Toyama et al. (“Toyama”). Applicant respectfully submits that amended claims 1, 9 and 17, and their dependent claims, contain features that are not found in Toyama.

Specifically, claim 1 as amended recites:

*“keeping said image unmodified, without further processing, if the orientation of said head is estimated to be frontal”.*

The support for these limitations can be found in the specification, Fig. 3, step 330 and page 4, lines 1 – 4.

Applicants submit that Toyama does not teach the above claimed feature. As shown in Toyama, Fig. 8 and column 11, lines 47 – 63, a model of the head is created regardless of the head orientation. In Toyama, after the head pose is determined, there is no decision based on

the head orientation whether to further process the image. Therefore, Toyama does not teach or suggest “*keeping said image unmodified, without further processing, if the orientation of said head is estimated to be frontal*” as claimed. Therefore, claim 1 is not anticipated by Toyama.

The same argument applies to independent apparatus claims 9 and 17 because they contain language that is similar to the claim language from amended claim 1. Withdrawal of the rejection of claims 1, 9 and 17 is respectfully requested. Withdrawal of the rejection of claims 2 – 8, 10 – 16 and 18 – 23 is further requested because they depend from claims 1, 9 and 17 respectively.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be 'H. Wolin', is written over a horizontal line.

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